



SPONSOR: Rep. Smyk & Sen. Ennis & Rep. Schwartzkopf ;
Reps. D. Short, Hudson, Briggs King, Dukes, Kenton,
Oутten, Spiegelman, Wilson, Brady, Q. Johnson,
Kowalko, Mitchell, Potter, Walker; Sens. Hall-Long,
Hocker, Lawson, Marshall, Venables

HOUSE OF REPRESENTATIVES
147th GENERAL ASSEMBLY

HOUSE SUBSTITUTE NO. 1

FOR

HOUSE BILL NO. 28

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO CLANDESTINE LABORATORIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend Subchapter IV, Chapter 47, Title 16, Delaware Code by making insertions as shown by
2 underlining to read:

3 § 4760A. Operating or attempting to operate clandestine laboratories; cleanup; penalties.

4 (a) Any person who knowingly operates or attempts to operate a clandestine laboratory is guilty of a class C
5 felony.

6 (b) Any person convicted of a violation of subsection (a) of this section shall be responsible for all reasonable
7 costs, if any, associated with remediation of the site of the clandestine laboratory and any costs associated with the cleanup
8 of any substances or materials or hazardous waste, and for the cleanup of any other site resulting from the operation or
9 disposal of substances or materials from a clandestine laboratory.

10 (c) Definitions. As used in this section, the following words and phrases shall have the meanings given to
11 them in this subsection:

12 (1) “Clandestine laboratory” means any property, real or personal, on or in which a person
13 assembles any chemicals or equipment or combination thereof which are intended to be used to or have been used
14 to unlawfully manufacture a controlled substance or other substance in violation of the provisions of this chapter.

15 (2) “Cleanup” means any action reasonably necessary to contain, collect, control, identify, analyze,
16 disassembly, treat, remove, or otherwise disperse any substances or materials in or from a clandestine laboratory,
17 including those found to be hazardous waste and any contamination caused by those substances or materials.

18 (3) “Remediation” means any emergency response, act, or process to temporarily or permanently
19 remedy and make safe.

20 (d) Nothing in this section shall be construed to preclude a prosecution for the same or similar activity under
21 Chapter 47, Title 16 of this Code, the Uniform Controlled Substance Act.
22 Section 2. The Department of Natural Resources and Environmental Control and the Department of Health and
23 Social Services shall develop any necessary regulations, guidelines, and processes relating to cleanup and remediation of
24 such sites.

SYNOPSIS

 This bill makes it a crime to operate or attempt to operate a clandestine laboratory defined as any location on or in which a person assembles any chemicals or equipment which are intended to be used to or have been used to unlawfully manufacture a controlled substance or other substance in violation of the Uniform Controlled Substance Act.

 Any person convicted would also be responsible for all reasonable costs associated with remediation of the site and any other site resulting from the operation or disposal of substances or materials from a clandestine laboratory.

 This act is modeled after similar laws from Pennsylvania and West Virginia.